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*S.F.R.*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/446,691 12/27/99 DAINESE

L 695-110P

002292 QM12/1211  
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EXAMINER

LEWIS, K

ART UNIT

PAPER NUMBER

3761

#7

DATE MAILED:

12/11/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/446,641

Applicant(s)

Dainese

Examiner

Kim M. Lewis

Group Art Unit  
3761



☒ Responsive to communication(s) filed on Dec 27, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-7 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3761

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment filed on 12/27/99 has been received. The specification and claims have been amended as requested.

### ***Information Disclosure Statement***

2. The information disclosure statement papers filed 4/10/00 have been received, which papers have been made of record in the application file wrapper.

### ***Specification***

3. Claims 1-7 are objected to because of the following informalities:

Regarding claim 1, delete the phrase "in particular";

In each of claims 2-7, the phrase "A protector" should read --The protector--.

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recitation the "strengthening grid of ribs" as recited in claim 2, line 2 lacks antecedent basis in the specification. The applicant only recites on page 3, lines 20-21, "the

Art Unit: 3761

inner surface of each plate comprising a plurality of ribs 12 which mutually intersect to form a honeycomb structure.

***Claim Rejections - 35 USC § 112***

5. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "said lower support" lacks proper antecedent basis thereby rendering the claim indefinite.

Regarding claim 5, line 1, the phrase "said upper support" lacks proper antecedent basis thereby rendering the claim indefinite.

Regarding claim 6, line 1, the phrase "said lower support" lacks proper antecedent basis thereby rendering the claim indefinite.

The remaining claims are necessarily rejected as being dependent upon a rejected base claim.

***Allowable Subject Matter***

6. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

Art Unit: 3761

7. Claims 2-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

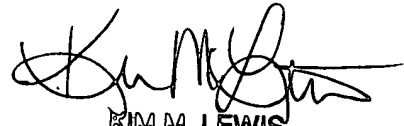
8. The following is a statement of reasons for the indication of allowable subject matter: back protectors are well known as demonstrated by the prior art of record. However, the prior art of record fails to teach or fairly suggest an upper support and a lower support vertically aligned and provided with means for their fixing to a motorcyclist's body, each of said supports carrying a plurality of substantially rigid elements fixed thereto, said lower support being hinged to said upper support on a pin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (703) 308-1191. The examiner can normally be reached on Mondays to Fridays from 5:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703) 308-2702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

kml  
November 18, 2000

  
KIM M. LEWIS  
PRIMARY EXAMINER